



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dennis B. Gilbertson, et al.) PATENT
Serial No.:)
Filing Date: February 6, 2004) Prior Art Group Unit: 1761
Title: Food Product) Prior Examiner: Keith D. Hendricks
Attorney Docket: 30,750-03DIV

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Enclosed herewith are the following items:

1. Request for Filing Divisional Application Transmittal (5 pages);
2. Specification, claims and abstract (20 pages) and Previous Combined Declarations and Powers of Attorney (6 pages);
3. Preliminary Amendment and Remarks (5 pages);
4. Copies of Revocation and Power of Attorney (2 pages), Assignment (3 pages), Notice of Recordation of Assignment Document (2 pages), and Notice of Allowance (5 pages); and
5. Return receipt post card.

If you have any questions, please contact Aleya R. Champlin at (612) 321-2800.

Dated this 6th day of February, 2004.

"Express Mail" label No.: ER786561525US
Date of Deposit: February 6, 2004

I hereby certify that this is being deposited with the United States Postal Service Express "Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Amy B. McCoy
Printed/Typed Name: Amy B. McCoy

Respectfully submitted,
Cargill, Incorporated, through its attorneys,

By:

Aleya R. Champlin, Esq., Reg. No. 36,251
Scott A. Marks, Esq., Reg. No. 44,902
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2100 IDS Center
80 South Eighth Street
Minneapolis, MN 55402-2112
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17224 U.S. PTO

<p align="center">CERTIFICATE OF EXPRESS MAIL Label No. <u>ER786561525US</u> Date of Deposit: <u>Feb. 6, 2004</u></p> <p>I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.</p> <p>By: <u>Amy B. McCoy</u> Printed/Typed Name: Amy B. McCoy</p>
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Dkt. No.: 30,750-03DIV

MAIL STOP PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**Prior Application Examiner:
Hendricks, Keith D.
Classification Designation:
426-622000**

Prior Group Art Unit: 1761

**REQUEST FOR FILING DIVISIONAL APPLICATION
UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a divisional application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 09/746,556 filed December 22, 2000, entitled "Food Product."

- ☒ 1. Enclosed is a copy of the prior application Serial No. 09/746,556 as originally filed, including abstract, claims, and specification. Also enclosed are the executed combined declarations and powers of attorney filed April 23, 2001. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further, that this statement was made with the knowledge

that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

(a) ☒ The inventorship is the same as prior Application Serial No. 09/746,556.

(b) ☐ Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).

(c) ☐ Priority of foreign patent application number _____, filed _____ in _____ is claimed under 35 U.S.C. § 119(a)-(e). The certified copy:

☐ is enclosed.

☐ has been filed in the prior Application Serial No. _____.

☐ 2. The Commissioner is requested to grant Applicants a filing date in accordance with Rule 1.53, and supply Applicants with a Notice of Missing Parts in due course, in accordance with the provisions of Rule 1.53(f).

☒ 3. Enclosed is a check in the amount of \$856.00 to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Part No. 9 below.

CLAIMS AS FILED IN THE PRIOR APPLICATION
LESS CLAIMS CANCELED BELOW

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$770.00
Total Claims	15 - 20 =	0 X	\$18.00 =	\$0.00
Independent Claims	4 - 3 =	1 X	\$86.00 =	\$86.00
Multiple Dependent Claim(s) -----				\$0.00
TOTAL FILING FEES:				\$856.00

- ☐ 4. Applicant is entitled to Small Entity Status for this application.
- ☐ (a) A small entity statement is enclosed.
- ☐ (b) Small entity statements were filed in the prior nonprovisional application and such status is still proper and desired. Copies of two Declarations Claiming Small Entity Status are enclosed herewith, one executed on behalf of Board of Regents, The University of Texas System, and the other on behalf of Advanced Research and Technology Institute.
- ☐ (c) Small entity status is no longer claimed.
- ☒ 5. If the check is missing or insufficient, the Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this application, or credit any overpayment to Fulbright & Jaworski L.L.P. Account No.: 50-1212(10315644/ARC).
- ☒ 6. Enclosed is a current Power of Attorney executed on behalf of Cargill, Incorporated.

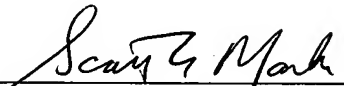
- ☒ 7. Address all future communications to:
- Aleya R. Champlin, Esq.
Fulbright & Jaworski L.L.P.
2100 IDS Center
80 South Eighth Street
Minneapolis, MN 55402-2112
Telephone: 612-321-2800
- ☒ 8. The prior application is presently assigned to Cargill, Incorporated.
- ☒ 9. Enclosed is a preliminary amendment. Any additional fees incurred by this amendment are included in the check at No. 3 above and said fee has been calculated after calculation of claims and after amendment of claims by the preliminary amendment.
- ☐ 10. Cancel in this application claims _____ of the prior application before calculating the filing fee. (At least one original independent claim must be retained).
- ☒ 11. Amend the specification by inserting before the first line the sentence: --This is a divisional of co-pending application Serial No. 09/746,556 filed December 22, 2000--.
- ☐ 12. Enclosed are formal drawings.
- ☐ 13. An Information Disclosure Statement (IDS) is enclosed.
- ☐ (a) PTO-1449.
- ☐ (b) Copies of IDS citations.
- ☐ 14. Transfer the sequence information, including the computer readable form previously submitted in the parent application, Serial No. 09/746,556 filed December 22, 2000, for use in this application. Under 37 C.F.R. § 1.821(e), Applicant states that the paper copy of the sequence listing in this application is identical to the

computer readable copy in parent application Serial No. 09/746,556 filed December 22, 2000. Under 37 C.F.R. § 1.821(f), Applicant also states that the information recorded in computer readable form is identical to the written sequence listing.

- ☒ 15. Other: Copies of Assignment, Notice of Recordation of Assignment Document, and Notice of Allowance.
- ☒ 16. Return Receipt Postcard.

Date: February 6, 2004

Respectfully submitted,



Aleya R. Champlin, Esq.
Reg. No. 36,251
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Reg. No. 44,902
Attorneys for Applicants

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